

REMARKS

This Amendment is submitted in response to the non-final Office Action mailed on October 5, 2009. A Petition for a one month extension of time is submitted herewith. The Director is authorized to charge \$120.00 for the Petition for a one month extension of time any other fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00734 on the account statement.

Claims 1-3, 5-10 and 14-18 are pending. Claims 4 and 11-13 were previously canceled without prejudice or disclaimer. In the Office Action, Claims 5, 6 and 10 are objected to. Claims 15-18 are allowed. Claim 9 is rejected under 35 U.S.C. §112. Claims 1-3, 7-9 and 14 are rejected under 35 U.S.C. §102. In response, Applicants have canceled Claims 1-3, 5-10 and 14 without prejudice or disclaimer and have newly added Claims 19-21. The newly added claims do not add new matter and are supported in the specification by previous Claims 5-6 and 10. In view of the amendments and for at least the reasons set forth below, Applicants respectfully submit that the rejections and objections should be withdrawn.

In the Office Action, the Patent Office states that Claims 5-6 and 10 are objected to but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. See, Office Action, page 2, lines 6-8. In response, Applicants have canceled Claims 5-6 and 10 and have added new claims 19-21, which include the subject matter of Claims 5-6 and 10 rewritten in independent form to include all the limitations of the base claim and any intervening claims. In this regard, Claim 19 includes the subject matter of previous Claims 1 and 5. Claim 20 includes the subject matter of previous Claim 6. Claim 21 includes the subject matter of previous Claims 1 and 10. Therefore, Applicants submit that, per the Patent Office's statements, new Claims 19-21 are allowable. Further, the Patent Office has also indicated that Claims 15-18 are allowable. For at least the above-mentioned reasons, Applicants respectfully submit that Claims 15-21 are novel and nonobvious and are now in position for allowance.

In the Office Action, Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Patent Office asserts that "as written, all

members of [the] list of produced materials must be produced, not merely one of them.” See, Office Action, page 4, lines 4-11. In response, Applicants note that Claim 9 has now been canceled without prejudice or disclaimer.

Accordingly, Applicants respectfully submit that the rejection of Claim 9 under 35 U.S.C. §112, second paragraph, is rendered moot.

In the Office Action, Claims 1-3, 7-9 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 85/03458 to Parks (“*Parks*”). In response, Applicants note that Claims 1-3, 7-9 and 14 have now been canceled without prejudice or disclaimer.

Accordingly, Applicants respectfully submit that the rejection of Claims 1-3, 7-9 and 14 under 35 U.S.C. §102(b) as being anticipated by *Parks* is rendered moot.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

K&L GATES LLP

BY _____

Robert M. Barrett
Reg. No. 30,142
Customer No. 29157
Phone No. 312-807-4204

Dated: January 11, 2010